

EXHIBIT A

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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 CLRB HANSON INDUSTRIES, LLC
14 d/b/a INDUSTRIAL PRINTING, and
HOWARD STERN, on behalf of
15 themselves and all others similarly situated,

16 Plaintiffs,

17 v.

18 GOOGLE, INC.,

19 Defendant.

CASE NO. C 05-03649 JW

**DEFENDANT GOOGLE, INC.'S
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF CLRB
HANSON INDUSTRIES, LLC
(SET TWO)**

20
21 **PROPOUNDING PARTY:** Defendant GOOGLE, INC.

22 **RESPONDING PARTY:** Plaintiff CLRB HANSON INDUSTRIES, LLC

23 **SET NUMBER:** TWO (13 – 77)

24 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant Google, Inc.
25 (“Defendant” or “Google”) hereby demands that, no later than August 25, 2008,
26 Plaintiff CLRB Hanson Industries, LLC (“Hanson”) respond to the following document
27 demands, in writing, and produce the following documents and tangible things, as set forth below.
28

GOOGLE’S REQUESTS FOR PRODUCTION OF DOCUMENTS
TO CLRB HANSON INDUSTRIES LLC (SET TWO)
CASE NO. C 05-03649 JW

1 The place of production of documents shall be at the offices of Perkins Coie LLP,
2 Four Embarcadero Center, Suite 2400, San Francisco, CA 94111-4131.

3 DEFINITIONS

4 A. As used herein, the terms “you” and “your” refer to Plaintiff CLRB Hanson
5 Industries, LLC, and its agents, representatives, employees, subsidiaries, affiliates, attorneys, or
6 others acting on its behalf, including but not limited to Brett Hanson, Cindy Hanson, Hanson
7 Industries, Secoa, Inc. and Industrial Printing Companies LLC.

8 B. As used herein, the connectives “and,” “or,” and “and/or” shall be construed either
9 disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all
10 responses that might otherwise be construed to be outside of the scope.

11 C. As used herein, the words “person” and “persons” shall include natural persons,
12 corporations, firms, partnerships, associations, joint adventures, trusts, and estates.

13 D. As used herein, the words “document” and “documents” are used in the broadest
14 sense to include all forms of tangible expression, and include but are not limited to “writings and
15 recordings” as defined under Rule 1001 of the Federal Rules of Evidence, and further includes,
16 but is not limited to, each and every writing, letter, memorandum, offering document, telegram,
17 handwritten note, periodical, pamphlet, report, evaluation, record, study, test result, working
18 paper diary, chart, paper, graph, index, data sheet, data processing card, storage media, tape
19 recording, electronic program and mail, or any other writing or electronically stored information
20 however produced or reproduced.

21 E. As used herein, the words “all documents” means each and every document as
22 above defined known to you and every such document that can be located or discovered by
23 reasonable diligent efforts.

24 F. As used herein, the words “communication” and “communications” mean any
25 meeting, conversation (face-to-face, telephonic, or otherwise), letter, discussion, telex message,
26 cable, correspondence, message, tape-recorded message, electronic mail or message, voicemail
27 message, or other occurrences in which thoughts, opinions, or information are transmitted

1 between or among two or more persons or between or among one or more persons and any
2 electronic, photographic, or mechanical device or devices for receiving, transmitting, or storing
3 data or other information.

4 G. As used herein, the words "online advertising" mean any advertisement viewed
5 and/or displayed via the internet.

6 H. As used herein, the words "offline advertising" mean any advertisement viewed
7 and/or displayed in any medium other than the internet including, but not limited to, print, radio,
8 television, billboard, mass transportation signage, etc.

9 I. As used herein, the word "Complaint" refers to the Second Amended Complaint in
10 this action.

11 J. As used herein, the term "Agreement" refers to the contract you claim you entered
12 into with Google to advertise on Google's AdWords program, which the Court in this action has
13 found to include the Google, Inc. AdWords Program Terms and Conditions, Frequently Asked
14 Questions, and the terms of each advertising campaign submitted or modified by the Plaintiffs in
15 this action.

16 K. As used herein, the words "your websites" shall mean and refer to all websites
17 located at or below the second-level domains <http://www.hansonindustries.com>,
18 <http://www.customhardhats.com>, <http://www.signline.com>, <http://www.teamhardhats.com>, and all
19 other websites which are operated by you or on your behalf, including any website at which
20 orders may be placed for any of your products.

21 L. As used herein, the words "the AdWords website" shall mean and refer to all
22 websites located at or below the second-level domain <http://adwords.google.com>.

23 INSTRUCTIONS

24 A. If objection is made to part of an item or category, the part shall be specified.

25 B. You shall produce copies of responsive documents either as they are kept in the
26 usual course of business or organized and labeled to correspond with the categories in the request.
27

1 C. Whenever you do not produce for inspection a document in response to a demand
2 because of a claim of privilege or any other protection from disclosure, you shall nevertheless
3 identify with particularity any such document by providing (i) a written list of each such
4 document; (ii) the type of each such document (e.g., letter, memorandum, telegram, notes of
5 telephone conversation); (iii) the date each such document was written or generated; (iv) the
6 author of each such document; (v) each person to whom each such document is directed,
7 addressed, sent, delivered, mailed, given, or disclosed; (vi) the person who received a copy of
8 each such document; (vii) the general subject matter of each such document (as fully as possible
9 without destroying the asserted privilege or other protection from disclosure); and (viii) each
10 basis upon which you contend the contents of each such document are protected from disclosure.

11 D. If any documents responsive to any demand have been lost, mutilated, or
12 destroyed, so state and set forth the general nature of each such document, the author or the
13 originator, each addressee, all individuals designated on the document to receive a copy or
14 otherwise known to have received a copy, the date, title, and general subject matter of each such
15 document, the present custodian of each copy thereof, the last known address of each such
16 custodian, and the demand(s) to which the document would have been responsive.

17 **DOCUMENTS REQUESTED**

18 **REQUEST FOR PRODUCTION NO. 13:**

19 All documents not previously produced that are responsive to Google's document requests
20 served on July 17, 2006.

21 **REQUEST FOR PRODUCTION NO. 14:**

22 All documents that reflect, describe, relate to, or constitute the Agreement.

23 **REQUEST FOR PRODUCTION NO. 15:**

24 All documents constituting correspondence or communications between you and Google
25 relating to advertising.
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REQUEST FOR PRODUCTION NO. 16:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to advertising with Google or AdWords.

REQUEST FOR PRODUCTION NO. 17:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to online and/or offline advertising.

REQUEST FOR PRODUCTION NO. 18:

All documents constituting or reflecting your internal budgets, financial plans or strategies regarding online and/or offline advertising.

REQUEST FOR PRODUCTION NO. 19:

All documents constituting or reflecting your internal accounting records, ledgers, invoices, bills and/or statements, for any and all AdWords services.

REQUEST FOR PRODUCTION NO. 20:

All documents referring or relating to online and/or offline advertising you have purchased from any individual or entity other than Google.

REQUEST FOR PRODUCTION NO. 21:

All documents constituting or reflecting your internal accounting records, ledgers, invoices, bills and/or statements, for any and all online and/or offline advertising services purchased or otherwise received from entities or individuals other than Google.

REQUEST FOR PRODUCTION NO. 22:

All documents constituting, referencing, discussing, or reflecting the AdWords website.

REQUEST FOR PRODUCTION NO. 23:

All documents evidencing any and all times you visited the AdWords website.

REQUEST FOR PRODUCTION NO. 24:

All documents constituting or reflecting AdWords advertisements and/or promotional materials.

REQUEST FOR PRODUCTION NO. 25:

All documents constituting or reflecting advertisements and/or promotional materials for online and/or offline advertising services provided by entities or individuals other than Google.

REQUEST FOR PRODUCTION NO. 26:

All documents constituting or reflecting AdWords Terms and Conditions in effect at any point in time.

REQUEST FOR PRODUCTION NO. 27:

All documents constituting, referring, or relating to AdWords FAQs in effect at any point in time.

REQUEST FOR PRODUCTION NO. 28:

All documents constituting, referring, or reflecting AdWords training or tutorial materials, whether received from Google and/or any entity or individual other than Google.

REQUEST FOR PRODUCTION NO. 29:

All documents constituting, referring, or relating to AdWords training which you received from Google and/or any entity or individual other than Google.

REQUEST FOR PRODUCTION NO. 30:

All documents relating to your understanding of the term "Daily Budget" as used in connection with Google AdWords.

REQUEST FOR PRODUCTION NO. 31:

All documents referring or relating to the term "Daily Budget" as used in connection with Google AdWords.

REQUEST FOR PRODUCTION NO. 32:

All documents upon which you based any decision to purchase advertising from Google.

REQUEST FOR PRODUCTION NO. 33:

All bank and credit card statements, and other documents reflecting charges and credits from Google, not previously produced in this action.

REQUEST FOR PRODUCTION NO. 34:

All documents reflecting, describing, evidencing or relating to each of your decisions, if any, to pause and/or unpause any of your AdWords campaigns.

REQUEST FOR PRODUCTION NO. 35:

All documents referring or relating to each of your decisions, if any, to delete and/or undelete any of your AdWords campaigns.

REQUEST FOR PRODUCTION NO. 36:

All documents referring or relating to each of your decisions, if any, to cancel advertising purchased from Google.

REQUEST FOR PRODUCTION NO. 37:

All documents referring or relating to Ad Scheduling.

REQUEST FOR PRODUCTION NO. 38:

All documents referring or relating to AdWords campaigns for your websites.

REQUEST FOR PRODUCTION NO. 39:

All documents constituting correspondence or communications between you and Google relating to advertising.

REQUEST FOR PRODUCTION NO. 40:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to online and/or offline advertising.

REQUEST FOR PRODUCTION NO. 41:

All documents constituting correspondence or communications between you and Google relating to payments for advertising.

REQUEST FOR PRODUCTION NO. 42:

All documents constituting correspondence or communications between you and entities or individuals other than Google relating to payments for online and/or offline advertising.

REQUEST FOR PRODUCTION NO. 43:

All documents constituting correspondence or communications regarding Google.

REQUEST FOR PRODUCTION NO. 44:

All documents constituting correspondence or communications regarding AdWords.

REQUEST FOR PRODUCTION NO. 45:

For each purchase made by customers on your websites, all documents sufficient to show the date and time of the purchase, and the amount of the purchase.

REQUEST FOR PRODUCTION NO. 46:

All documents which show traffic (visitors, unique visitors, purchases, etc.) on your websites, whether generated by you or a third party.

REQUEST FOR PRODUCTION NO. 47:

All documents referring or relating to statistics, volume, purchase reports or other information regarding visitors and unique visitors to your websites, whether generated by you or a third party.

REQUEST FOR PRODUCTION NO. 48:

All documents referring or relating to website analytics for your websites, whether generated by you or a third party.

REQUEST FOR PRODUCTION NO. 49:

All documents constituting communications between you and any entity or individual responsible for tracking, analyzing or monitoring visitors to your websites and/or purchases made on your website.

REQUEST FOR PRODUCTION NO. 50:

For each product you sell and/or have sold at any time, all documents referring or relating to and/or tracking purchases and sales of those products, including but not limited to, purchase reports, sales volume reports, or sales volume estimates, on a daily, weekly, monthly, quarterly and/or annual basis.

1 **REQUEST FOR PRODUCTION NO. 51:**

2 For each product you currently sell and/or have sold at any time, all documents
3 constituting customer orders for purchase of the product sufficient to show the date the product
4 was purchased, the amount of the purchase and the products purchased.

5 **REQUEST FOR PRODUCTION NO. 52:**

6 All documents constituting or relating to communications with your suppliers regarding
7 demand for each product you sell and/or have sold at any time.

8 **REQUEST FOR PRODUCTION NO. 53:**

9 All documents referring or relating to your sales volume.

10 **REQUEST FOR PRODUCTION NO. 54:**

11 All documents referring or relating to demand for each product you sell and/or have sold
12 at any time.

13 **REQUEST FOR PRODUCTION NO. 55:**

14 All documents referring or relating to your fulfillment of purchase orders.

15 **REQUEST FOR PRODUCTION NO. 56:**

16 All documents constituting or relating to communications between you and your
17 customers regarding your inability to deliver or provide product(s) your customers purchased.

18 **REQUEST FOR PRODUCTION NO. 57:**

19 All documents referring or relating to your inability to fulfill orders from your customers.

20 **REQUEST FOR PRODUCTION NO. 58:**

21 All documents referring or relating to your inventory.

22 **REQUEST FOR PRODUCTION NO. 59:**

23 All documents constituting shipping or delivery records for products delivered to
24 customers who placed orders through your websites.

REQUEST FOR PRODUCTION NO. 60:

All documents constituting shipping or delivery records for products delivered to customers who placed orders through means other than your websites, including but not limited to, via mail, telephone and/or in person.

REQUEST FOR PRODUCTION NO. 61:

All documents constituting or reflecting every advertisement you have purchased and/or placed, including online advertising and offline advertising.

REQUEST FOR PRODUCTION NO. 62:

All documents constituting or relating to communications between you and your customers regarding reasons for their purchases.

REQUEST FOR PRODUCTION NO. 63:

All documents constituting or relating to surveys and/or questionnaires (including but not limited to the surveys and/or questionnaires and/or any responses thereto) you sent to your customers regarding reasons for their purchases.

REQUEST FOR PRODUCTION NO. 64:

All documents constituting or relating to communications between you and your customers regarding how they were directed to your websites.

REQUEST FOR PRODUCTION NO. 65:

All documents constituting surveys and/or questionnaires (including but not limited to the surveys and/or questionnaires and/or any responses thereto) you sent to your customers regarding how they were directed to your websites.

REQUEST FOR PRODUCTION NO. 66:

All documents relating to hosting, managing or otherwise maintaining your websites.

REQUEST FOR PRODUCTION NO. 67:

All documents constituting correspondence or communications with entities or individuals responsible for hosting, managing or otherwise maintaining your websites.

REQUEST FOR PRODUCTION NO. 68:

All documents constituting correspondence or communications with entities or individuals responsible for purchasing advertising on your behalf.

REQUEST FOR PRODUCTION NO. 69:

All documents upon which you rely in support of your claim that you sustained damages or other injury as a result of the conduct of Google as alleged by you in this action.

REQUEST FOR PRODUCTION NO. 70:

All documents relating to damages or other injury you claim to have sustained as a result of the conduct of Google as alleged by you in this action.

REQUEST FOR PRODUCTION NO. 71:

All documents referring to, relating to, or constituting ledgers, spreadsheets, software, accounting tools or other records you use to track revenue from advertising placed using Google.

REQUEST FOR PRODUCTION NO. 72:

All documents referring to, relating to, or constituting ledgers, spreadsheets, software, accounting tools or other records you use to track revenue from online and/or offline advertising placed using entities or individuals other than Google.

REQUEST FOR PRODUCTION NO. 73:

All documents referring to, relating to or constituting ledgers, spreadsheets, software, accounting tools or other records you use to track customer order fulfillment.

REQUEST FOR PRODUCTION NO. 74:

All documents referring to, relating to or constituting ledgers, spreadsheets, software, accounting tools or other records you use to determine: (1) whether to pause and/or unpause Ad Campaigns and/or Ad Groups; (2) whether to delete and/or undelete Ad Campaign or Ad Group; and (3) whether to use Ad Scheduling.

REQUEST FOR PRODUCTION NO. 75:

All documents constituting your profit and loss statements, balance sheets, and financial summaries.

1 **REQUEST FOR PRODUCTION NO. 76:**

2 All documents referring or relating to other actions in which you or any officer, director or
3 shareholder have been a party.

4 **REQUEST FOR PRODUCTION NO. 77:**

5 All documents upon which you rely in support of your claim that you have standing to sue
6 under Bus. & Prof. Code §§ 17200 and 17500 as a person who has "suffered injury in fact and ...
7 lost money or property" as a result of the conduct of Google.

8 DATED: July 22, 2008

PERKINS COIE LLP

9
10 By: 

David P. Chiappetta

11 Attorneys for Defendant Google, Inc.
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1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 I am employed in the County of San Francisco, State of California. I am over the age of
4 18 and not a party to the within action; my business address is 4 Embarcadero Center, Suite 2400,
San Francisco 94111-4131.

5 On July 22, 2008, I served the foregoing document(s) described as follows:

6 **DEFENDANT GOOGLE, INC.'S REQUESTS FOR PRODUCTION OF**
7 **DOCUMENTS TO PLAINTIFF CLRB HANSON INDUSTRIES, LLC**
8 **(SET TWO)**

9 on the interested parties in this action by placing true copies thereof enclosed in
sealed envelopes addressed as stated on the attached service list, as follows:

10 ☐ BY MAIL: I am "readily familiar" with the firm's practice of collection and processing
11 correspondence for mailing. Under that practice, it would be deposited with the U.S.
12 Postal Service on that same day with postage thereon fully prepaid at San Francisco,
13 California in the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if postal cancellation date or postage meter date is
more than one day after date of deposit for mailing in affidavit.

14 ☒ BY FEDERAL EXPRESS OR OVERNIGHT COURIER

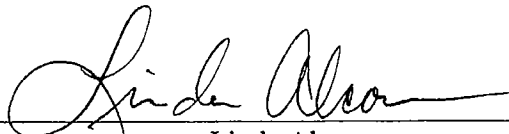
15 ☒ BY ELECTRONIC MAIL

16 I caused said documents to be prepared in portable document format (PDF) for e-mailing
and served by electronic mail as indicated on the attached service list.

17 Executed on July 22, 2008, at San Francisco, California.

18 ☐ (State) I declare under penalty of perjury under the laws of the State of California that the
19 above is true and correct.

20 ☒ (Federal) I declare under penalty of perjury under the laws of the State of California that the
21 above is true and correct.

22 

23 Linda Alcorn

SERVICE LIST

CLRB Hanson Industries, LLC v. Google, Inc.
U.S. District Court, Northern District of California, San Jose Division
Case No. C 05-03649 JW

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